



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicants:

Jones et al.

Serial No.: 10/587,601

Art Unit:

Not Yet Assigned

Docket No.: ITR0068YP

Examiner:

Not Yet Assigned

Filed: July 28, 2006

For: HIV INTEGRASE INHIBITORS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

LETTER - TRANSMITTAL OF IPRP

Sir:

In case the Office has not received it from the International Bureau, enclosed is a copy of the International Preliminary Report on Patentability for the subject application.

Respectfully submitted,

By:

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Kenneth R. Walton, Reg. No. 32,951

Attorney for Applicants

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Date: November 8, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Janet. Walton Date 11/8/06

**PATENT COOPERATION TREATY**

PCT/GB2005/000746  
Calfire.

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION CONCERNING  
TRANSMITTAL OF COPY OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY  
(CHAPTER I OF THE PATENT COOPERATION  
TREATY)  
(PCT Rule 44bis.1(c))

Date of mailing (day/month/year)  
21 September 2006 (21.09.2006)

To:

HORGAN, James, Michael, Frederic  
Terlings Park  
Eastwick Road  
Harlow Essex CM20 2QR  
ROYAUME-UNI

PAT. REG. COORD.  
DOCKET

ATTORNEY *KRW*

MAINTENANCE

CASE REFERENCE CLERK

OTHER

**IMPORTANT NOTICE**

Applicant's or agent's file reference  
ITR0068Y ✓

International application No.  
PCT/GB2005/000746 ✓

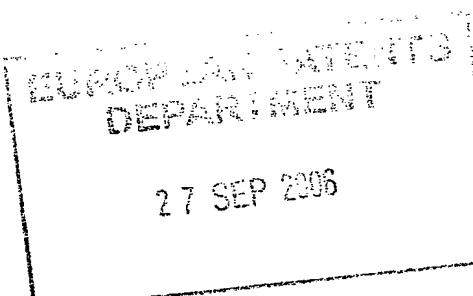
International filing date (day/month/year)  
01 March 2005 (01.03.2005) ✓

Priority date (day/month/year)  
09 March 2004 (09.03.2004) ✓

Applicant

ISTITUTO DI RICERCHE DI BIOLOGIA MOLECOLARE P ANGELETTI SPA et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)



PATENT COOPERATION TREATY

OCT 2 2006

REGISTRATION

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Dorothée Mülhausen

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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference <b>ITR0068Y</b>	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. <b>PCT/GB2005/000746</b>	International filing date ( <i>day/month/year</i> ) <b>01 March 2005 (01.03.2005)</b>	Priority date ( <i>day/month/year</i> ) <b>09 March 2004 (09.03.2004)</b>	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant <b>ISTITUTO DI RICERCHE DI BIOLOGIA MOLECOLARE P ANGELETTI SPA</b>			

<ol style="list-style-type: none"> <li>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</li> <li>2. This REPORT consists of a total of 7 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</li> </ol>																								
<ol style="list-style-type: none"> <li>3. This report contains indications relating to the following items:           <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> </li> <li>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</li> </ol>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input checked="" type="checkbox"/>	Box No. II	Priority	<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<table> <tr> <td>Date of issuance of this report <b>13 September 2006 (13.09.2006)</b></td> </tr> </table>		Date of issuance of this report <b>13 September 2006 (13.09.2006)</b>
Date of issuance of this report <b>13 September 2006 (13.09.2006)</b>		
<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Authorized officer <b>Dorothée Mülhausen</b></p> <p>e-mail: pt01@wipo.int</p>	

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 18 AUG 2005  
WIPO PCT

To:

see form PCT/ISA/220

Applicant's or agent's file reference  
see form PCT/ISA/220

International application No.  
PCT/GB2005/000746

International filing date (day/month/year)  
01.03.2005

Priority date (day/month/year)  
09.03.2004

International Patent Classification (IPC) or both national classification and IPC  
C07D471/04, C07D487/04, C07D487/16, A61K31/5025, A61P31/18

Applicant

ISTITUTO DI RICERCHE DI BIOLOGIA MOLECOLARE...

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

### FOR FURTHER ACTION See paragraph 2 below

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Grassi, D

Telephone No. +49 89 2399-8499



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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. **type of material:**
    - a sequence listing
    - table(s) related to the sequence listing
  - b. **format of material:**
    - in written format
    - in computer readable form
  - c. **time of filing/furnishing:**
    - contained in the international application as filed.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1.  The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application,  
 claims Nos. 17-20

because:

the said international application, or the said claims Nos. (with respect to industrial applicability) relate to the following subject matter which does not require an international preliminary examination (*specify*):  
**see separate sheet**

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the whole application or for said claims Nos.

the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

has not been furnished  
 does not comply with the standard

the computer readable form

has not been furnished  
 does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

See separate sheet for further details

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2005/000746

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-23
	No: Claims	
Inventive step (IS)	Yes: Claims	1-23
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-16,21-23
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VI Certain documents cited**

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**1. Certain published documents (Rules 43bis.1 and 70.10)**

**and / or**

**2. Non-written disclosures (Rules 43bis.1 and 70.9)**

**see form 210**

Reference is made to the following documents:

D1: MAURIN C ET AL: "STRUCTURE-ACTIVITY RELATIONSHIPS OF HIV-1 INTEGRASE INHIBITORS - ENZYME-LIGAND INTERACTIONS" CURRENT MEDICINAL CHEMISTRY, BENTHAM SCIENCE PUBLISHERS BV, BE, vol. 10, 2003, pages 1795-1810

**Re Item III**

Claims 17-20 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(I) PCT).

**Re Item V**

- 1) The subject-matter of present claims 1-23 is new (Article 33(2) PCT).
- 2) The subject-matter of claims 1-23 involves an inventive step (Article 33(3) PCT).

The closest prior art is represented by D1 reviewing different classes of HIV-1 integrase inhibitors.

The subject-matter of present claim 1 differs considerably from the inhibitors disclosed in D1.

The technical problem underlying the present application is seen in the provision of alternative HIV-1 integrase inhibitors.

In view of the disclosure on the page 37, the problem appears to be solved. There are not hints in the prior art to the presently claimed compounds. Consequently, the claims 1-15 involve an inventive step.

The claims relating to pharmaceutical compositions and the claims relating to the use of the compounds according to claim 1 (claims 16-23) therefore also involve inventive

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2005/000746

activity.